

RICHARDSON OPENS FOR THE DEFENSE AT BOISE

Argument of the Denver Attorney Confined to Material Facts and an Exposition of the Law of Idaho.

Preliminary Hearing of Dr. I. L. McGee for Perjury Begins—C. W. Aller Bound Over to District Court.

Boise, Ida., July 22.—For four hours and a half today E. F. Richardson pleaded with the jury for the life of William D. Haywood. Under order of the court the hours for the day's sessions were changed, and in place of setting in the afternoon, court met at 8 o'clock this evening. Judge Wood was informed by the jury that the extreme heat of the courtroom was too trying on some of the jurymen and complied with the request for a late evening session.

The preliminary hearing of the case of Dr. I. L. McGee, one of the witnesses for the defense, charged with perjury, came up this afternoon, and will be continued tomorrow. Orchard was on the stand for an hour and was given a severe grilling in the cross-examination by McGee's counsel, C. W. Aller, the other witness for the defense, who is under perjury charges, was today bound over for trial in the district court.

Federation Defended.

The excellent character and consistent philanthropy of the Western Federation of Miners, the patient suffering of labor under the lash of capital and the perjury and perfidy of Harry Orchard were the main points in the opening argument of the defense.

In spite of the sweltering atmosphere every seat in the courtroom was occupied long before the opening of the session. Haywood's mother sat beside the prisoner, the invalid wife, daughter and sister and stepfather composed the family group and seven of the battery of Haywood's counsel were in their places.

Mr. Richardson has divided his argument under eleven heads, which he enumerated to the jury this morning. It is probable that the opening argument will take two days.

Richardson's Address to Jury.

"The event of December 20, 1905, resulting in the death of Governor Frank Steunenberg cast consternation over the entire civilized world. In these words E. F. Richardson began today the opening address for the defense to the jury which holds the fate of William D. Haywood in its hands. On account of the heat, Judge Wood announced that he had abandoned the idea of holding three court sessions a day. The views of the jurors were taken and in agreement with those of counsel it was arranged to hold morning and evening sessions until the case goes to the jury for final decision. The evening session will continue from 8 to 10 o'clock.

For fifteen minutes before Mr. Richardson began to speak the courtroom had to be closed this morning against the throng which sought admittance. One woman who came early and secured an advantageous position in the first row attracted considerable attention because of the large black field glasses she held almost constantly to her eyes.

Killing of Steunenberg.

Mr. Richardson plunged directly into the death of Governor Steunenberg in his opening sentence. He declared it was Governor Steunenberg's fortune during his administration to stand in the forefront of a labor war in the Coueur d'Alene. Perhaps, he said, the situation demanded all that the governor did. Perhaps it did not, declared Richardson, "and I shall not attempt to say. But at any rate for the first time in the history of America justice the bull-pen was called into being. Men were put in this bullpen, perhaps, as a matter of necessity, but certainly without due process of law. Governor Steunenberg's course was condemned on the one side and praised on the other, as the members of two hostile camps view the matter.

Conclusion Jumped At.

"When the death of Governor Steunenberg was flashed to the world, there was the immediate conclusion in nearly all quarters that there was some connection between the Coueur d'Alene troubles and the bomb which was placed at his gate. "Again hostile camps arose, on the one side it was said the act must have been done by some men in whose breast personal hatred ranked. The mine owners, however, were strong in their condemnation of the Western Federation of Miners. It has been said here that in some quarters there was even an attempt to justify the deed.

"I want to say to you, gentlemen, that

we of the defense do not believe there is any justification for such an act. We shall attempt to justify it; we do not believe it can be justified from any point of view."

Adjudged Guilty Without Hearing.

Mr. Richardson then reviewed the event following the death of former Governor Steunenberg, saying that Harry Orchard was caught almost red-handed in the act. A Pinkerton detective came to Idaho and soon had a confession from a man who, to save his own worthless neck, was ready to place the blame on others. The matter was taken up by that portion of the press which depends upon the prosperous and capitalistic classes and the leaders of the Western Federation of Miners were adjudged guilty without a hearing. So far-reaching was this influence, declared Mr. Richardson, that it extended even to the White House. The attorney begged the jurors to lay aside any impression they may have formed from reading the newspapers during the past year and to start with him at the beginning of the cause and go through the various events one by one without feeling or bias.

"Do this," he exclaimed, "so we may justly determine, in the light of our consciences, illuminated by high heaven, if the man here at the bar and his co-defendants in the cells below, are guilty of the crimes charged. It is my intention to carry out my argument, if I am not overcome by heat, in the following order:

Eleven Points Presented.

"First—I shall discuss the law as applied to this case and to the prosecuting witness.

"Second—I shall discuss the history of the Western Federation of Miners as shown here in the evidence.

"Third—I shall discuss the general conditions which prevailed in the Coueur d'Alene at the time of the Bunker Hill and Sullivan mill explosion, and at Cripple Creek prior to and during the strike in that section.

"Fourth—I shall discuss the series of the events which led to the state to prove a conspiracy against the defendants Haywood, Moyer and Pettibone.

"Fifth—I shall devote myself to the ascertainment of the particular offense the defendants are here on trial for, for, remember, gentlemen, that while the range of the evidence has covered many fields and many crimes, there is but one charge in the indictment, but one offense against the state of Idaho.

"Sixth—I shall consider Mr. Orchard while in the penitentiary.

"Seventh—I shall consider Mr. Orchard while in the penitentiary.

"Eighth—I shall devote myself to the impeachment of Mr. Orchard.

"Ninth—To the treatment of Mr. Haywood, the manner and method of it and the reasons therefor.

"Tenth—I shall devote myself, as I have been invited to do, to the reasons why certain witnesses did not testify for the defense and to why certain others did not testify for the defense.

"Eleventh and finally, I shall discuss this case as it appears before this jury. When I have finished these eleven subdivisions I will have done all that I can do to assist the jury in arriving at a proper and just verdict in this cause."

Law of State of Idaho.

Discussing the law as applied to Orchard, Mr. Richardson said the corroborating evidence in support of a confessing witness must be so strong that, standing by itself, separated and apart from the witness' story, it is sufficient to remove all reasonable doubt as to the defendant's guilt. He charged that the state had no corroborating circumstances of this character as to the murder of Governor Steunenberg and that for this reason a general conspiracy was charged and all the events of the Colorado labor wars were gone into.

"But, gentlemen of the jury," said Richardson, "the general conspiracy that the prosecution complains of is a lawful conspiracy. If this be a conspiracy, then you are in a conspiracy if you are a Democrat and vote the Democratic ticket. The Western Federation of Miners was in a conspiracy to elect its men to office, to shorten hours and to fix wages, and every one of those objects is lawful yet in this country."

Taking up next the history of the Western Federation of Miners, Mr. Richardson said that while much was heard now, always as to the equal distribution of wealth, the motto of all would be, so long as men are constituted as they are, to 'git all you can while you're gittin', says I." This, saying from "The Hoosier Schoolmaster," applied alike to capital and to labor.

Delving into the Coueur d'Alene troubles, Richardson declared that most of the mines there were owned by the Standard Oil company and he proclaimed that wherever conditions were such as to create a Rockefeller at one end of the mine and a man with a gaunt dinner pail at the other, more or less friction and trouble is bound to occur. The Bunker Hill property had been turned in for tax-

WEIGHT AND HEALTH

THIN, NERVOUS PEOPLE NEED THE TONIC TREATMENT.

This Woman Took Dr. Williams' Pink Pills, Gained Thirty Pounds and Has Been Well Ever Since.

How many women—and men too—are suffering from a general decline in health which the ordinary remedies seem unable to check! How many husbands see their wives wasting away, steadily losing health and beauty, and are powerless to help! Consumption and other germ diseases find in these debilitated systems easy prey, for the lowered vitality is unequal to the task of fighting off the infection of these diseases to which most of us are almost daily exposed.

The symptoms indicating the decline which may have results so fatal could surely be better described than in the statement of Mrs. William Manley, of 92 Court street, Utica, N. Y. Her case is a typical one. She says:

"For six months after the birth of my baby, I suffered from sick, dizzy headaches, which seemed like a rush of blood to my forehead, just back of my eyes. Some days they twinged so I could hardly see and black spots floated before them. The least exertion brought on this sickness. My appetite was poor and I was often sick to my stomach.

"If I tried to work my feet soon became swollen, paining me terribly. I had sinking spells and grew pale and nervous. It was so thin that I weighed only 85 pounds.

"One day when at the drug store to get headache powders I decided to try Dr. Williams' Pink Pills instead. I soon noticed that my headache was disappearing and my nerves gradually grew stronger. The pills gave me a hearty appetite and I now weigh over 130 pounds. I believe the pills to be the best tonic and builder a woman can take, as they certainly helped me when my condition was critical and I have never been seriously ill since."

The great value of Dr. Williams' Pink Pills lies in the fact that they actually make new blood and this carries health and strength to every portion of the body. The stomach is toned up, the nerves are strengthened, every organ is stimulated to do its work.

If you are ill and the treatment you are taking does not cure you, write for proof of what Dr. Williams' Pink Pills have done in similar cases.

Your druggist sells them or they will be sent by mail, postpaid, on receipt of price, 30 cents per box, six boxes for \$2.50, by Dr. Williams Medicine Co., Schenectady, N. Y.

tion at \$80,000, but after the mill was blown up a loss of \$300,000 was claimed.

Occurred Before Their Time.

"I am not going to explain or apologize for the men who blew up that mill," said the attorney. "It is sufficient for us to say that Haywood was not a part of it, Moyer was not a part of it, and Pettibone was not a part of it. You are not going to convict these men for a crime that was done that day, so the matter requires but little thought or attention. After the mill was destroyed it is shown that the men returned to their homes and their work. There was no more disorder, no insurrection, but General Merriam and his negro troops were ordered into the district. Be it said to his credit, that Governor Steunenberg was not on the ground and did not see personally what was done, but, gentlemen of the jury, if you were driven out of the country, if you were incarcerated in a bull-pen, if you were held there and blistered in the heat of midsummer, if you were subjected to the results of negro soldiers, would they not have been hated and resentment in your breasts against all who had had a hand in the parcel in the treatment meted out to you? Ah, I say it is to the credit of every man put in that bull pen, without charge or trial, that there was no result from it disloyalty, no mutiny, no securing their incarceration, he great or small. I say that this fact speaks volumes in my mind for the wisdom of this organization over its members."

Before taking up the Cripple Creek troubles Mr. Richardson reviewed the history of the Western Federation of Miners and pointed out what its objects had been—to better conditions, to care for its sick and dying, the widows and orphans of its members. He ridiculed the idea that anyone could claim that 40,000 workingmen organized for the betterment could be termed 40,000 criminals.

As to Cripple Creek, Mr. Richardson dwelt again upon the fact that the mines were owned by the Standard Oil company. Wherever that company operated, he declared, there was always some sort of labor trouble.

"And labor," he exclaimed, "always gets the worst of it. I don't know whether labor is always right or sometimes wrong, but I do say that it is not right that the laboring man should bear the brunt of what he doesn't do."

Orchard at Cripple Creek.

Richardson next told of the coming of Harry Orchard into the Cripple Creek district. He recalled the early crimes to which Orchard was formerly guilty of—weight cheese, burning the cheese factory, gambling, etc.

He even gambled away his interest in the Hercules prospect—according to his own story," said the attorney.

The defense claims Orchard lost his interest in this mine by being driven out of the country, and that it was for this that he murdered Steunenberg. Mr. Richardson went on to explain his statement as to the gambling; that Orchard transferred the mine but temporarily to Dan Cardoner, the present owner, and was cheated out of its redemption when compelled to leave the country. If this were not true, the state should have put Cardoner on the stand.

Richardson described Orchard as dreaming that he was a dime novel hero. He declared to be known as "the tinselt hero," and showed the hereditary taint in his blood. An uncle committed suicide while worrying over some imaginary crime.

The attempted train wreck on the Florence & Cripple Creek railroad Mr. Richardson dismissed briefly as having been conclusively shown up as a "Pinkerton plot."

He next entered upon the Victoriano mine explosion, arguing that it was an accident, pure and simple. Orchard, he said, claimed credit for this, as he did for many other crimes he never committed. The attorney was still discussing the Victoriano testimony when, at 11:45 a. m., a recess was ordered until 6 p. m.

No Connection Made.

At the evening session of court Mr. Richardson said he would do all he could to abridge the remarks on Orchard's intense heat and believed he would be able to conclude some time tomorrow. The contention of the defense, Richardson declared, is that no man whether Orchard committed the crimes to which he confessed or not, no connection has been shown between Orchard and the defendant at the bar. Concluding his discussion of the Victoriano mine explosion, Richardson declared that the preponderance of testimony showed it to be an accident.

Orchard's testimony as to receiving money from the Western Federation of Miners for crime was not corroborated by a single witness, Mr. Richardson asserted, and should not be considered. Both Moyer and Haywood denied that they had ever given Orchard money and the state had failed to show any fund

from which money could have been paid. As to the value of their testimony, the attorney said Moyer and Haywood stand in practically the same light as Harry Orchard and are entitled to the same belief.

Mine Owners Put up Money.

As to the coming of the militia to Cripple Creek, Attorney Richardson said they came at the behest and in the service of the Mine Owners' association, whose members were assessed so much a month to buy the certificates of indebtedness issued by the state.

Referring to Moyer's arrest at Telluride for desertion of the flag, Richardson declared the Bureau statements Moyer had had printed on the folds of "Old Glory" were indubitable truths and would be shown as truths when applied in the evidence in the Haywood case.

"And as to 'Old Glory,' I want to tell you that the flag was not used in the case of and as much revered by the Western Federation of Miners as any combination of capitalists who use it for their purposes in the world."

Conditions in Colorado.

Mr. Richardson declared that while under the ruling of the court he was not allowed to discuss the deportations from Cripple Creek or the employment of detectives in the various miners' unions, he wanted to dwell as much as possible on conditions in Colorado.

"I want to weave into your minds the thought that will come to you when we come to the tragic event at Caldwell; so you will understand why we have on the one side Harry Orchard, finely dressed and clothed and in safety although he is the confessed murderer of a war-late governor, and on the other the effort to take the blood of these men—to get them out of the way at the instigation and for the benefit of those whose names I shall mention hereafter. What I want you to know is that these men were guilty of the crimes charged against them in Colorado, they would long ago have been called to account to Colorado law."

Mr. Richardson dismissed the murder of Detective Lyte Gregory in Denver, with the statement that absolutely nothing was shown upon the stand in the Western Federation with the crime.

Attorney Tells a Story.

The attorney here said that such corroboration of Orchard as had been produced reminded him of the story of a Chicago man, who, during the world's fair, remained away from home all night. When taken to task by his wife he declared and hiccupped that he had gone up in the Ferris wheel and the wheel had got stuck. His wife said she could not account such by explanation.

"Why, my dear, if you don't believe it," said the man, "I'll take you out and show you the wheel."

Next in the consideration of the attorney came the blowing up of the Independence depot. He demanded to know why Young Neville, who was with the Orchard to have been with him the day of the explosion, was brought to Boise, but never put upon the stand to corroborate the confessing witness.

"There is something behind the prosecution," declared Richardson, "and I do not mean Mr. Hawley or Senator Borah. I have no fault to find with them. I think that the jury, the court and everyone will say that in the main this case has been tried fairly and decently by the attorneys of both sides. But somewhere there is influence which kept young Neville off the stand."

Richardson charged the Independence depot explosion was the result of a plot by the Mine Owners to extirpate root and branch, the Western Federation of Miners which was trying to control wages and secure work for its members under proper conditions.

Why Adams Did Not Testify.

Answering Mr. Hawley's taunt in his opening address as to why the defense had not put Steve Adams on the stand, Richardson declared he wanted to be perfectly frank.

"There have been a case of dog eat dog and Hawley and Borah know it. Under the same influences that worked on Orchard they secured a confession from Adams which he retracted. They have the confession and we have the repudiation. The whole truth, gentlemen, is that one afraid to put him on the stand and the other didn't dare to."

In passing here I want also to say that the stand is not one scintilla of evidence was brought here to connect him with the results of a bullet in his back. The word of Orchard. As to George A. Pettibone, he will take the stand at his own trial and explain satisfactorily the transactions he had with Orchard."

Mr. Richardson said there was no evidence whatsoever to connect Haywood with the explosion. He said that on the life of Fred Bradley in San Francisco. As to Pettibone sending money to Orchard while there, he said that nothing to be explained at the trial of Pettibone. The defendant contends that Orchard left some of his own money with Pettibone.

Bomb Explosion Impossible.

Richardson spent the last half hour of the evening session in providing an explanation of the explosion at the Bradley residence in San Francisco. He argued the impossibility of a bomb explosion, but insisted that a reservoir for escaping gas had been formed in the walls and under the floor of the building and came in contact with the lighted cigar the explosion occurred, and at the point of contact the floor was torn up.

He scoffed at the evidence that a lighted cigar would not ignite gas and old the jury that in the east it was possible to run the finger down the carpet and then put it to the gas jet and light it.

In conclusion counsel said that in his opinion Orchard, the typical wanderer and fireman, gambled, resorted to the explosion and adopted it as his own. In any case, Mr. Richardson said, in this, as in every other part of Orchard's testimony, there was not a scintilla of evidence to connect Haywood with the incident.

At this point in the argument court adjourned at 8:35 until 9 tomorrow morning, when Mr. Richardson will continue.

JAPS MAKE INQUIRY.

Washington, July 22.—Mr. Miyawaki, counselor of the Japanese embassy, today inquired into the circumstances of the recent arrest at St. Paul's Island of Japanese seal poachers. Acting Secretary of State Adie gave him such information as the department had, and apparently satisfied him that the incident was being treated in the usual lawful method of procedure. Information was also conveyed to the department by Mr. Miyawaki of the abdication of the emperor of Korea.

LIGHTNING STRIKES CHURCH.

Racine, Wis., July 22.—A number of buildings were damaged and horses were killed in a storm last night. Lightning struck the steeple of St. Mary's church at Waterloo, killing one of the worshippers. Several others were knocked down and severely stunned.

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RAILROAD MEN STRIKE.

El Paso, Tex., July 22.—All the American employees on the El Paso and Rio Grande railroads in Chihuahua, owned by Pittsburgh, Pa., capitalists, are on a strike for higher wages. Trains are moving, however.

Run Over by Ox Team.

It is seldom that we hear of ox teams nowadays, but there are many people who feel so lazy and drowsy that if an ox team came along they would not feel able to get out of the way. For such people there is no remedy equal to Sennex Pills, the great nerve and body builders. Price \$1 a box, six boxes \$5, with full guarantee. Address or call F. J. Hill Drug Co., "The Nerve Substitutors," corner Second South and West Temple streets.

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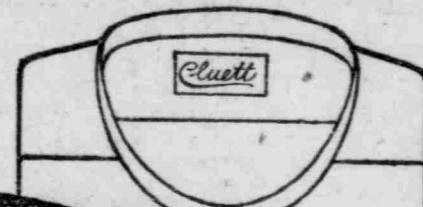
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